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CERTIFICATE

SUPREME COURT OF THE UNITED STATES

October Term, 1948

No. 514

THE UNITED STATES OF AMERICA

MARIA S. LAURO, AS ADMINISTRATRIX OF THE GOODS, CHATTELS, AND CREDITS OF PETER LAURO, DECEASED

ON CERTIFICATE FROM THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT

FILED SEPTEMBER 17, 1948

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1946

No. 514

THE UNITED STATES OF AMERICA

vs.

MARIA R. LAURO, AS ADMINISTRATRIX OF THE GOODS, CHATTELS, AND CREDITS OF PETER LAURO, DECEASED

ON CERTIFICATE FROM THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT

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1 In the United States Circuit Court of Appeals for the Second Circuit

MARIA R. LAURO, AS ADMINISTRATRIX OF THE GOODS, CHATTELS, AND CREDITS OF PETER LAURO, DECEASED, LIBELANT-APPELLEE-APPELLANT

vs.

UNITED STATES OF AMERICA, RESPONDENT-APPELLANT-APPELLEE

Certificate of question of law

This cause coming on to be heard upon the appeal taken herein by United States of America, the respondent, and it appearing to the court that a writ of certiorari has been granted by the Supreme Court of the United States to review the decree entered by this court in the case of Rosario Porello v. United States and American Stevedores, Inc., 153 F. (2) 605, and it also appearing to the court by an inspection of the transcript of the record upon the appeal in this cause, and as a result of the briefs and argument submitted by the proctors for the parties, that a question arises in this cause which was involved in the decision in the last-mentioned cause:

Now, therefore, this court hereby certifies to the Supreme Court of the United States the following question of law, concerning which it desires the instructions of the Supreme Court for the proper decision of the appeal herein, under the following facts:

Statement of facts

On May 27, 1943, Peter Lauro died as a result of injuries suffered by him on May 26, 1943, while he was employed by Marra Bros., contracting stevedores, on board respondent's vessel, designated as No. 596, which vessel was docked at Pier 4, Staten Island, New York. The death was caused by personal injuries suffered by Lauro when he fell from a hatch cover on the vessel's main deck into the hold. At the time of the accident, the vessel, No. 596, was owned by the United States of America, respondent, and had been allocated by the respondent to the United States Army. It was being loaded with cargo which was owned by the United States, and which consisted of Army and Navy property and Lend-Lease material which was being shipped to North Africa. Marra Bros., the employer of the deceased, was hired by the United States Army to load the vessel.

Thereafter, Lauro's widow filed a libel in the United States District Court for the Eastern District of New York against United

States of America to recover damages under the Public Vessels Act of 1925; 46 U. S. C. Section 781, for wrongfully causing Lauro's death. In this proceeding the District Court rendered a decree awarding damages to the libelant in the sum of $25,000. From this decree an appeal was taken to this court, and the cause came on for argument on March 12, 1946. On this appeal, the respondent-appellant contended that the said Public Vessels Act of 1925 provided a remedy against the United States for damage to property only, but not for damage to a person or damage arising by reason of the death of a human being. The question thus arising is as follows:

Question certified

Does the word "damages," as it appears in the following sentence of the Public Vessels Act of 1925; 46 U. S. C. § 781

3 "A libel in personam in admiralty may be brought against the United States, or a petition impleading the United States, for damages caused by a public vessel of the United States, and for compensation for towage and salvage services, including contract salvage, rendered to a public vessel of the United States: Provided, That the cause of action arose after the 6th day of April, 1920"

mean damages to property only, or does it mean, as well, damages under Sections 130 to 134 of the Decedent Estate Law of the State of New York recoverable by a personal representative because of the death of a human being? Which question, arising from the facts aforesaid, is hereby submitted to the Supreme Court.

Dated New York, N. Y.

LEARNED HAND,
CHARLES E. CLARK,
JEROME N. FRANK,
C. J. J.

Filed September 11, 1946.

4 United States Circuit Court of Appeals for the Second Circuit

UNITED STATES OF AMERICA,
Southern District of New York, ss:

I, Alexander M. Bell, Clerk of the United States Circuit Court of Appeals for the Second Circuit, do hereby certify that the foregoing certificate and statement of facts in the case of Maria R. Lauro, as Administratrix, etc., against United States of America, was duly filed and entered of record in my office by order of said

Court, and as directed by said Court, the said certificate is by me forwarded to the Supreme Court of the United States for its action thereon.

In witness whereof I have hereunto subscribed my name and affixed the seal of said court, at the City of New York, this 11th day of September 1946.

ALEXANDER M. BELL,
Clerk of the United States Circuit Court of Appeals for the Second Circuit.

[Endorsement on cover:] File No. 51378. U. S. Circuit Court of Appeals, Second Circuit. Term No. 514. Certificate. The United States of America vs. Maria R. Lauro, as Administratrix of the Goods, Chattels, and Credits of Peter Lauro, Deceased. Filed September 17, 1946. Term No. 514 O. T. 1946.

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